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11 VIDEO SOFTWARE DEALERS ASSOCIATION
and ENTERTAINMENT SOFTWARE ASSOCIATION
12

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15
16 VIDEO SOFTWARE DEALERS
ASSOCIATION and ENTERTAINMENT
17 SOFTWARE ASSOCIATION,
18

Plaintiffs,

19 vs.
20

ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of the State of California;
BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney, RICHARD
DOYLE, in his official capacity as City Attorney
for the City of San Jose, and ANN MILLER
RAVEL, in her official capacity as County
Counsel for the County of Santa Clara,

Defendants.

CASE NO. C 05-4188 RMW (RS)

NOTICE OF
SUPPLEMENTAL AUTHORITY

1 Plaintiffs Video Software Dealers Association and Entertainment Software Association
 2 respectfully submit this Notice of Supplemental Authority to notify the Court of an Order issued by
 3 the United States District Court for the District of Minnesota on July 31, 2006. This Order
 4 permanently enjoined enforcement of a Minnesota state law that would have subject to fines those
 5 people under 17 years of age who purchased certain video games rated "M" or "AO" under the
 6 voluntary video game rating system. *Entertainment Software Ass'n & Entertainment Merchants*
 7 *Ass'n v. Hatch*, No. 06-CV-2268 (D. Minn. July 31, 2006). The Court held that the law in question
 8 violated the First Amendment, and that enforcement of the law would cause irreparable harm.

9 Specifically relevant to the motions for summary judgment pending in the instant case, the
 10 *Hatch* Court held that the State of Minnesota failed to show "substantial, actual 'empirical support for
 11 its belief that "violent" video games cause psychological harm to minors.'" Order, p. 6 (quoting
 12 *Interactive Digital Software Ass'n v. St. Louis County*, 329 F.3d 958, 959 (8th Cir. 2003)). The Court
 13 held that the "meta-analysis" work of Dr. Craig Anderson is "completely insufficient to demonstrate
 14 an empirical, causal link between video games and violence in minors." *Id.*

15 A true and correct copy of this Order is attached hereto for the Court's convenience.

16 DATED: April 2, 2007.

Respectfully submitted.

17 GIBSON, DUNN & CRUTCHER LLP
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 19 H. MARK LYON
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20 By: _____ /s/
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